

**(2011) 11 P&H CK 0158**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Case No. Criminal Miscellaneous No. M-33251 of 2011

Ashwani Kumar Syal

APPELLANT

Vs

M/s Royal Paper Products and  
another

RESPONDENT

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**Date of Decision:** Nov. 4, 2011

**Acts Referred:**

- Negotiable Instruments Act, 1881 (NI) - Section 138

**Hon'ble Judges:** L.N. Mittal, J

**Bench:** Single Bench

**Final Decision:** Dismissed

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**Judgement**

Hon'ble Mr. Justice L.N. Mittal

1. Accused Ashwani Kumar Syal has filed this petition for anticipatory bail in criminal complaint No. RT/70 dated 02.11.2000/30.01.2003, u/s 138 of the Negotiable Instruments Act titled M/s Royal Paper Products vs. Ashwani Sayal and another, instituted by respondent no. 1-complainant.

2. I have heard Learned Counsel for the petitioner and perused the case file.

3. The complaint in question was instituted on 02.11.2000 i.e. 11 years ago. The accused has not entered appearance since then. He was declared Proclaimed Offender vide order dated 04.07.2005 (Annexure P-2) i.e. more than six years ago. On the other hand, the complainant is pursuing the complaint and he has to appear in the Court on every date of hearing and in this manner, the complainant has become the culprit and facing the agony for 11 years, whereas the accused is enjoying freedom and is not appearing in the Court at all.

4. In addition to the aforesaid, the petitioner earlier filed petition for anticipatory bail in this Court, in which he was directed to deposit the cheque amount, but he failed to deposit the same. Consequently, the said petition was dismissed by this

Court vide order dated 09.03.2011 (Annexure P-8). However, thereafter, the petitioner was granted extension of time to deposit the amount vide order dated 06.07.2011 (Annexure P-5), but he did not deposit the amount even pursuant thereto in the name of the Court or with the Court. On the other hand, he obtained the Fixed Deposit (Annexure P-6) of the amount in his own name and gave the Fixed Deposit Receipt to the trial court. It is thus apparent that even after extension of time, the petitioner did not deposit the amount in the Court. Be that as it may, the petitioner, even after having knowledge of the pendency of the complaint and having been declared Proclaimed Offender, is absconding from the process of the Court for almost 11 months.

5. Keeping in view all the circumstances, the petitioner does not deserve the concession of anticipatory bail. Counsel for the petitioner relied on judgment of Delhi High Court in the case of Puneet Singh Chauhan vs. State reported as 2004 (4) Cri. C. C. 629. However, the said judgment has no applicability to the facts of the instant case.

6. Dismissed.